

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE ROMAN CATHOLIC DIOCESE OF ROCKVILLE  
CENTRE, NEW YORK,

Plaintiff,

-v-

CERTAIN UNDERWRITERS AT LLOYDS, LONDON  
& CERTAIN LONDON MARKET COMPANIES and  
LEXINGTON INSURANCE COMPANY,  
Defendants.

CIVIL ACTION NO.: 21 Civ. 71 (AS) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge:

Pursuant to the telephone conference held today, March 12, 2024, the Court orders as follows:

1. Based on the representation in the March 8, 2024 joint letter (ECF No. 147) filed by Plaintiff The Roman Catholic Diocese of Rockville Centre, New York (the “Diocese”) and Defendant Certain Underwriters at Lloyds, London & Certain London Market Companies (“LMI,” with the Diocese, the “Parties”), the Court deems Phase I Discovery CLOSED.<sup>1</sup>
2. The Parties’ request for leave to file a dispositive motion (the “Motion”) is GRANTED as to the following issue: when, including the satisfaction of any preconditions, LMI’s duty, if any, to reimburse the Diocese for defense costs incurred in the Bankruptcy Case or the Underlying Action is triggered under the LMI Policies.<sup>2</sup> The briefing of the Motion shall proceed as follows:

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<sup>1</sup> The scope of Phase I Discovery is defined in the Court’s June 15, 2023 Order. (ECF No. 128 ¶ 1).

<sup>2</sup> The Court incorporates the Parties’ definitions of the Bankruptcy Case, the Underlying Lawsuits, and the LMI Policies. (See, e.g., ECF Nos. 1 ¶¶ 10, 14; 20-2 ¶¶ 3, 23).

- a. By **April 11, 2024**, the Diocese shall file the Motion, the memorandum of law in support of which is limited to twenty-five (25) pages.
- b. By **May 13, 2024**, LMI shall file its opposition, limited to twenty-five (25) pages.
- c. By **May 28, 2024**, the Diocese shall file its reply, limited to ten (10) pages.
- d. By **June 12, 2024**, LMI shall file its sur-reply, limited to (10) pages.

3. The parties shall promptly meet and confer regarding the duty to defend and, by **March 26, 2024**, file a joint letter reporting on their ability to enter a stipulation concerning this issue.

Dated:           New York, New York  
                  March 12, 2024

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge